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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

February 15, 2017.

I hereby appoint the Honorable HAROLD ROGERS to act as Speaker pro tempore on this day.

PAUL D. RYAN,

Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

TWENTY-FIFTH AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, like many people, I have noticed renewed interest in the 25th Amendment, as we have seen erratic behavior out of the White House, an inability of Donald Trump to even tell whether it rained on him during his inaugural speech, and repeating false statements that are demonstrably wrong.

Last Friday, the mechanism to deal with Presidential incapacity, the 25th

Amendment, celebrated its 50th anniversary. I became intrigued with its history and application because it is clear, whether with Donald Trump or a future President, this mechanism is very important. Accidents can happen: President Reagan suffered from early onset Alzheimer's that concerned his staff. President Wilson was incapacitated by a stroke, and his wife, Edith, effectively governed the United States for months.

It is only a matter of time before we face these challenges again. As I examined the amendment, it became clear that, in the case of mental or emotional incapacity, there is a glaring flaw. For a mentally unstable, paranoid, or delusional President, the 25th Amendment has no guarantee of its application. In fact, it is likely that it would fail.

As written, the 25th Amendment requires the Vice President and a majority of the Cabinet to concur that the President is no longer capable of exercising authority. There are other safeguards. It would take time to process. Ultimately, two-thirds of both Houses of Congress must agree.

But look at the current Cabinet. Even if one thinks that a group with no meaningful government experience, all approved in a heightened partisan context, most of whom don't even know the President personally, could objectively exercise the power should the President become mentally incapacitated, the larger question is whether they would ever be allowed to do so.

A President who is paranoid or delusional is very unlikely to tolerate dissent within the ranks. He or she could simply fire any Cabinet member who would stand up to them.

That is why we need to exercise the other part of the 25th Amendment that allows Congress to designate another body, instead of the Cabinet. Who could exercise that authority with the confidence of the American public and

with the knowledge of what it takes to understand the personal and political stresses of the Presidency?

I submit that the best failsafe to a President who is emotionally unstable would be to impanel our previous Presidents and Vice Presidents to make that determination.

Think about how it would work. Currently, there are 10 bipartisan former distinguished Americans who, in most cases, enjoy even greater public support than when they left office. Most importantly, there is no group of people better suited to evaluate the evidence and the dynamics at work for the good of the country and the President who needs help.

Now, we have made real progress with mental illness. We have made it easier to get care. We are taking away the stigma for the one in five Americans who suffer from mental health issues. We find people to be more open and candid and accepting of themselves and others. We are making real strides in terms of treatment and acceptance.

But all of this requires access to help; and this drama should not play out with somebody whose fingers are on the nuclear buttons and whose every pronouncement can unsettle diplomatic conditions, affect war and peace, and the global economy.

Having Congress establish this panel of former Presidents and Vice Presidents from both parties as a guardian and failsafe mechanism is important, and it needs to happen as soon as possible.

We never know when catastrophe might strike. There is no good time to fix this problem. In today's world of alternative facts and fake news, in a sea of bitter partisan controversy, we need to have a mechanism that can be reliable, command public confidence, and be above politics.

It is hard to think of a group that would collectively have more support and credibility than the distinguished

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Americans who have been in that position and, regardless of partisan differences, whose allegiance to America is unquestioned.

We need to start now to protect the integrity of the most powerful position on the planet.

BLACK LUNG BENEFITS

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. JENKINS) for 5 minutes.

Mr. JENKINS of West Virginia. Mr. Speaker, my home State of West Virginia has almost 20,000 coal miners. Tens of thousands more worked in the mines and are now enjoying a well-deserved retirement.

They proudly mined the coal that powers our Nation, and it puts food on their table. These miners worked hard each and every day, and we owe them a debt of gratitude.

Our Nation made them a promise to take care of them if they developed black lung disease. And for decades now, the Federal Government has guaranteed black lung benefits, and the so-called Byrd amendment 7 years ago reiterated that commitment to our miners.

As we draft healthcare reform here in Congress, I urge my colleagues to maintain these essential black lung benefits for our miners and their families.

I have introduced legislation to affirm our commitment to protecting the Byrd amendment and these critical black lung benefits. I introduced it last Congress, too, and I am committed to continuing to fight for it because we cannot let our miners down.

While mine safety continues to improve, we must guarantee that our miners have the benefits they need in case they are diagnosed with black lung disease. These benefits provide critical support for our retired miners and their families. For some disabled miners, it may be the only income they have. In West Virginia, almost 5,000 families rely on these benefits.

This is a promise we made to them, and it is a promise that we must keep. Just as we have relied on our miners to mine the coal that built the skyscrapers and won world wars, our miners should be able to rely on us.

I urge my colleagues to support the protection of black lung benefits and to honor the hard work of our miners.

A GLACIER OF RUSSIAN INTERFERENCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, we are in a constitutional crisis. Make no mistake about it. Yes, the National Security Adviser Michael Flynn resigned. Yes, he should have resigned, but he is just the tip of the iceberg. A glacier of Russian interference is plaguing our country right now.

In his resignation letter, General Flynn wrote: "I have always performed my duties with the utmost of integrity and honesty to those I have served, to include the President of the United States."

I believe General Flynn. I believe he did precisely what the President of the United States asked him to do. General Flynn is a military man. He is accustomed to the chain of command. He did not do anything that he was not asked to do. He was not a rogue agent, but had the complete knowledge and cooperation of his Commander in Chief.

We have all heard Donald Trump boast of how smart he is and how he calls his own shots. Why then should we believe that, when it comes to national security, he prefers to be kept in the dark? A President can't be both in charge and out of the loop.

The only way we can ever hope to know what happened is if there is a thorough investigation. I believe it should be an independent investigation, an independent commission. But if we are going to go down the route of having it be a congressional investigation, then it needs to be a comprehensive investigation and one that has the resources to do the job.

I am calling on Chairman NUNES of the House Permanent Select Committee on Intelligence to schedule hearings immediately.

We heard 14 hours of testimony from Secretary Clinton about her emails. I think we can agree that foreign infiltration of our government at the highest level is at least as important as using a private email server, especially, I might add, when President Trump and his team used unencrypted cell phones during their North Korea strategy session at Mar-a-Lago in a dining room with many other guests.

Today, an Active Duty, four-star general said publicly that "our government continues to be in unbelievable turmoil" and that he hopes "they sort it out soon, because we're a nation at war."

He continues: "As a commander, I'm concerned our government be as stable as possible."

It is critical that Congress takes heed of this unprecedented public warning and act.

I am well aware this is a partisan institution. I also know that there have been times in our proud history in the United States Congress when Members have pushed partisanship aside in search of the truth. The Warren Commission, following the assassination of President Kennedy, is one example. The 9/11 Commission after the terrorist attacks in 2001 is another.

In the Senate, at least three Republicans have directly called for investigations into this matter and several more have acknowledged that these questions must be answered. I wonder, will one House Republican Member come forward and say we must investigate?

Colleagues, I urge you to think this through. Vladimir Putin ordered

agents to meddle in our election. Did he do it out of love for Mr. Trump? I doubt it. More likely, he did it so he could do to a democracy what we and our allies did to communism, send it to the ash heap of history. If America's elections can be hacked, what chance is there for budding democracies to make it?

Don't believe me? Look at what Putin has done in just 3 weeks of this new administration. He had government agents poisoned. He sent a political rival to prison. He sent \$12 million to Jean-Marie Le Pen, the far-right candidate for the President of France. His latest move was to launch a cruise missile that is in direct defiance of treaties.

Putin's Russia is playing chicken with President Trump, and what is our President's response? A tweet complaining about leaks within his administration and, according to the latest reports, pressuring the Prime Minister of Japan to forge closer relations with Russia.

□ 1015

President Trump's "bromance" is dangerous. It undermines our democracy, and it is destabilizing the globe.

What does Putin have on President Trump? What does President Trump owe Putin?

We will not know until we exercise U.S. Code section 6103. A vote yesterday in Ways and Means was a totally partisan vote. We deserve to know what his tax return shows us. We deserve the truth.

CALIFORNIA'S MARCH TO THE EXTREME LEFT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, one of the most troubling aspects of California's lurch to the left are the rise of two doctrines unknown in this country since the last gasp of the Southern Confederacy.

The first is the doctrine of nullification, the notion that States may defy Federal laws that their leaders simply don't like. The most outspoken advocate of this doctrine was John C. Calhoun, who, in referencing our Nation's most-revered document, the Declaration of Independence, observed that our Nation had been founded on—his words—"self-evident lies."

The doctrine of nullification has been revived in the sanctuary cities movement, and has now reared its head as State legislation. Our Constitution clearly gives Congress the sole prerogative to make immigration law, and it commands the President to faithfully execute these laws. Our President is now doing so. Yet, California's legislature is actively considering a bill that would assert an independent power to defy them. And this is not just happening in California.